POL 14 VIET S
1455

Department of State

EXCISE

TELEGRAM

SECRET 033

PAGE 01 SAIGON 09290 121144Z

DEPARTMENT OF STATE A CIC MR
REVIEWED BY [signature] DATE 1/26/82
PORTIONS DENIED AS INDICATED
099435

52
ACTION SS-45

INFO OCT-01 /046 W

P 121115Z JUN 71
FM AMEMBASSY SAIGON
TO SECSTATE WASHDC PRIORITY 6050

S E C R E T SAIGON 9290

EXDIS

SUBJECT: VIETNAM PRESIDENTIAL ELECTIONS.

REF: A. STATE 101637
B. SAIGON 9160

1. IN MY EVE-OF-DEPARTURE CALL ON PRESIDENT THIEU THIS MORNING, I SPOKE OF THE GROWING CRITICISM WHICH HE AND HIS GOVERNMENT WERE RECEIVING HERE AND OVERSEAS AS A RESULT OF SEVERAL RECENT INCIDENTS WHICH WERE REPRESENTED AS INDICATIVE OF THE UNLIKELIHOOD OF A FAIR ELECTION, AND I LISTED THESE INCIDENTS.

2. THIEU REPLIED, WITH ANIMATION BORDERING ON ANGER, THAT HE IS BEING HELD RESPONSIBLE EVEN FOR THINGS HE HAD NOT DONE, AND PROCEEDED TO GIVE HIS VIEW OF THESE EVENTS:
A. THE NGO CONG DUC AFFAIR: WHEN DUC ATTACKED AND WOUNDED THE PROVINCIAL COUNCILLOR, THE LATTER WENT TO COURT WITH HIS COMPLAINT. THE LOCAL JUDGE ISSUED THE WARRANT FOR ARREST, AND THE POLICE HAD NO CHOICE BUT TO EXECUTE IT. WHEN THE LOWER HOUSE VOTED THE RELEASE OF DUC, THE MINISTER OF JUSTICE FREED HIM. THE PLAINTIFF INTENDS TO WAIT UNTIL AFTER THE LOWER HOUSE ELECTION. AND IF DUC IS DEFEATED TO RENEW HIS COMPLAINT. IF DUC WINS HE WILL NOT BE ABLE TO PRESS HIS CASE.
B. THE KY INCIDENT: WHEN THE VNQDD RENTED THE THEATRE IN CHOLON THEY SAID IT WAS FOR AN EDUCATIONAL MEETING. WHEN THE THEATRE OWNER LEARNED IT WAS FOR A POLITICAL MEETING TO BE ADDRESSED BY VICE PRESIDENT KY, HE REFUSED TO OPEN THE THEATRE. THERE WAS NO POLICE OR OTHER INTERVENTION, $3J0853 16'S CHARGE --THE THEATRE OWNER SIMPLY DID NOT

NOT TO BE REPRODUCED WITHOUT THE AUTHORIZATION OF THE EXECUTIVE SECRETARY

SECRET

WANT TO GET INVOLVED.
C. THE TRAN NGOC LIENG CASE: THIS WAS A POLITICAL MEETING BY TRAN NGOC LIENG FOR GENERAL MINH TO ADDRESS, FOR WHICH NO PERMIT HAD BEEN SOUGHT. THE POLICE SIMPLY CARRIED OUT THE LAW. I TOLD PRESIDENT THIEU THAT GENERAL MINH HAD TOLD ME YESTERDAY EXACTLY THE SAME THING, AND THAT HE HAD NO CAUSE FOR COMPLAINING.
D. THE CONFISCATION AND CENSURING OF THE PRESS: THIEU SAID SECTIONS OF THE PRESS WERE PRINTING VICIOUS, FALSE, AND OFTEN, SUBVERSIVE, ITEMS. THAT COMMUNISTS HAVE INFILTRATED THE PRESS IS WELL-KNOWN. ADDITIONALLY, OPPOSITION ELEMENTS HAVE BOUGHT UP THE PRESS TO PRINT SUCH ITEMS. THE PRESS LAW IS PERFECTLY CLEAR. THERE CAN BE NO PERSONAL ATTACKS ON THE PRIVATE LIVES OF PUBLIC OFFICIALS AND THERE CAN BE NO CALUMNY, SUCH AS ACCUSING PEOPLE OF GIVING OR TAKING BRIBES WITHOUT PROOF THAT THIS IS TRUE. THE GOVERNMENT HAS AND WILL CONTINUE TO ENFORCE THE PRESS LAW AGAINST THIS STATE OF AFFAIRS. IT WILL NOT ALLOW ITSELF TO BE UNFAIRLY AND UNJUSTLY CRITICIZED.

4. I THEN ASKED IF HE COULD ASSESS THE PRESIDENTIAL ELECTION LAW AND HOW THE NOMINATING REQUIREMENTS WILL EFFECT THE NUMBER OF CANDIDATES. IF MINH AND KY SHOULD DECIDE NOT TO RUN AND LEAVE HIM WITH AN UNCONTESTED ELECTION, WHAT THEN?

5. THIEU SAID MINH AND KY ARE BOTH WORKING HARD "UNDERGROUND" TO GET OR BUY THE NECESSARY ENDORSEMENTS, WITH MINH'S PEOPLE WORKING ON THE LEGISLATURE AND KY'S PEOPLE THE PROVINCIAL COUNCILS. NEITHER WILL HAVE ANY TROUBLE GETTING THE NECESSARY MINIMUM. THEY ARE SHOUTING THAT THE LAW IS UNCONSTITUTIONAL, BUT THAT IS ONLY TO TRY TO EMBARRASS THIEU. THE QUESTION OF CONSTITUTIONALITY OF THE REQUIREMENT IS ONE THAT HAS TO BE DECIDED BY THE SUPREME COURT. IT WILL ALMOST CERTAINLY BE CHALLENGED, AND THE SUPREME COURT WILL NEED TO MAKE AN EXPEDITIOUS DECISION. IT APPEARS THAT THE COURT IS DIVIDED ON THE LEGALITY OF THE PROVISION, AND THERE IS NO CERTAINTY WHICH WAY IT WOULD RULE. ANY DECISION WOULD HAVE TO BE MADE BY [redacted] JULY 20 WHEN THE FIRST STEP OF THE PROCEDURES FOR THE NOMINATI[redacted] AND THE ELECTIONS MUST BE TAKEN. IF THE COURT HOLDS THIS FEATU[redacted] OF THE LAW INVALID, THIS WILL NOT AFFECT THE REST OF THE LAW. THIEU WILL OF COURSE ABIDE BY ANY SUPREME COURT DECISION. HE SAID THAT HE HAD NOT YET DECIDED WHETHER TO SIGN, VETO, OR ALLOW THE LAW

NOT TO BE REPRODUCED WITHOUT THE AUTHORIZATION OF THE EXECUTIVE SECRETARY

DECLASSIFIED

Department of State TELEGRAM

SECRET

PAGE 3 SAIGON 0929 1214Z4Z

TO TAKE EFFECT WITHOUT HIS SIGNATURE. HE HAS UNTIL JUNE 23 TO MAKE UP HIS MIND.

6. THIEU SAID HE IS THE BUTT OF MANY ATTACKS AND IS BEING ACCUSED OF RIGGING THE ELECTIONS, USING THREATS AND VIOLENCE TO STILL THE OPPOSITION, AND USING BRIBERY TO COLLECT VOTES AND ENDORSEMENT. THERE IS PLENTY OF THAT INITIATED BY THE OTHER SIDE, AND PARTICULARLY FROM KY'S PEOPLE, BUT THIEU HAS REFRAINED FROM MAKING THESE CHARGES. AS FOR HIMSELF, HE INTENDS THE ELECTION TO BE AS FAIR AS HE CAN MAKE IT.

7. THIEU SAID, FINALLY, THAT HE IS ABSOLUTELY CERTAIN THAT BOTH MINH AND KY INTEND TO RUN. THEIR PROTESTATIONS ABOUT THE UNCONSTITUTIONALITY OF THE NOMINATION REQUIREMENTS, AND MINH'S "UNCERTAINTY" ABOUT RUNNING BECAUSE HE HAS DOUBTS ABOUT THE FAIRNESS OF THE ELECTION ARE JUST A "RUSE" TO CAST THIEU IN AN ADVERSE LIGHT.

8. WHEN HE FINISHED I SUGGESTED THAT HE AND HIS GOVERNMENT ARE PAYING A PRICE FOR THE FAILURE TO EXPLAIN THE INCIDENTS TO THE PUBLIC AND PRESS IN THE TERMS HE HAD EXPLAINED THEM TO ME, AND THAT THE ROLE OF THE SUPREME COURT IS DECIDING ON THE VALIDITY OF THE NOMINATION REQUIREMENT AND HIS ACCEPTANCE OF ANY DECISION IT MAKES ALSO NEEDS TO BE PUT OUT TO THE PUBLIC. I SAID IT WAS ESSENTIAL THAT NOT ONLY THE ELECTION CAMPAIGN BE FAIR BUT THAT IT APPEARS TO BE FAIR TO AN IMPARTIAL OUTSIDER. THAT WAS NOT THE CASE AT PRESENT.

9. [redacted] b-1 ed

BUNKER

NOT TO BE REPRODUCED WITHOUT THE AUTHORIZATION OF THE EXECUTIVE SECRETARY

SECRET